

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

TEAL PEAK CAPITAL, LLC;

Plaintiff and Counter Defendant,

And

JOHN MICHAEL GRZAN AND NAMRATA
KHIMANI

Counter Defendant,

v.

ALAN BRAM GOLDMAN;

Defendant and Counter Claimant.

Case No. 3:20-CV-01747 (PAD)

BREACH OF CONTRACT; SPECIFIC
PERFORMANCE OF CONTRACT;
REIMBURSEMENT OF FUNDS, COSTS
AND EXPENSES

**MOTION REQUESTING JUDGMENT ON THE PLEADINGS AND/OR TO CONSIDER
WELL-PLED FACTUAL ALLEGATIONS AS ADMITTED**

TO THE HONORABLE COURT:

COMES NOW defendant Alan Bram Goldman (hereinafter, "Mr. Goldman") through the undersigned attorney, and hereby respectfully states and prays:

1. Plaintiff Teal Peak Capital, LLC (hereinafter, "TPC") filed its complaint on December 24, 2020. See Docket No. 1 (hereinafter, the "Complaint").
2. On April 7, 2021, Mr. Goldman filed its Answer to the Complaint and Counterclaim against TPC. See Docket No. 18.
3. Notwithstanding, Mr. Goldman filed an Amended Answer to Complaint and Counterclaim and Joinder of Parties on April 16, 2021. See Docket No. 26.

4. Pursuant to Rule 12(a)(1)(B) of the Federal Rules of Civil Procedure, “A party must serve an answer to a counterclaim or crossclaim within 21 days after being served with the pleading that states the counterclaim or crossclaim.” Fed. R. Civ. P. 12(a)(1)(B).

5. As such, TPC had until May 7, 2021 to serve its answer to Mr. Goldman’s Counterclaim.

6. At time of the filing of the present Motion, TPC has yet to serve an answer to Mr. Goldman’s Counterclaim.

7. Based on the foregoing, Mr. Goldman respectfully moves the Court to render a Judgment on the Pleadings based on the well-pled factual allegations within Mr. Goldman’s counterclaim (Docket No. 26) pursuant to Rule 12(c) of the Federal Rules of Civil Procedure. See Fed. R. Civ. P. 12(c).¹

8. In the alternative, pursuant to Rule 8(b)(6) of the Federal Rules of Civil Procedure, this Honorable Court is hereby respectfully requested to declare all the well-pled factual allegations within Mr. Goldman’s counterclaim as admitted by TPC. See Fed. R. Civ. P. 8(b)(6) (“An allegation --other than one relating to the amount of damages--is admitted if a responsive pleading is required and the allegation is not denied. If responsive pleading is not required, an allegation is considered denied or avoided”).

WHEREFORE, Alan Bram Goldman respectfully requests this Honorable Court to:

1. Render a Judgment on the Pleadings based on the well-pled factual allegations within Mr. Goldman’s Counterclaim. Docket No. 26.
2. In the alternative, this Honorable Court should deem all the well-pled factual allegations within Mr. Goldman’s counterclaim as admitted by TPC pursuant to Rule 8(b)(6) of the Federal Rules of Civil Procedure.

¹ Pursuant to this Honorable Court’s Case Management Order, Parties had a deadline to serve their Motions to Dismiss or for Judgment on the Pleadings on or before May 24, 2021. See Docket No. 38.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 24th day of May 2021.

Attorney for Alan Bram Goldman

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IT IS HEREBY CERTIFIED that on this date we filed a true and correct copy of the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notice electronically to all counsel at their address of record.

Date: May 24, 2021

By: s/Antonio A. Arias-Larcada
Attorney